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[00:00:00] Okay, good afternoon, everyone. Welcome to the February 14th, 2025 Legislative Committee meeting. We've got a pretty full agenda, but we will try to work through it. Some people still have to make a stop to purchase those \$8 cards, maybe.

[00:00:20] Not me. Board members have packets. The first item is titled Budget Proposals for the 24-26 biennium, and we're going to start there with an update on House and Senate budget amendments.

[00:00:40] Ms. Archer. So, Mr. Chairman, thank you, and happy Valentine's Day to everyone. As many board members will know, Valentine's Day is a really big deal in Richmond, so you have candy courtesy of legislative staff, and Supervisor Pultek also brought some treats for everybody, but that's why many of us are dressed in Valentine's colors, and we'll try to get you all out of here as quickly as we can.

[00:00:59] so that you don't, I'm not looking at what you all are wearing, but we'll try to get everyone home to their spouses or significant others as we can. So we talked earlier in the session about the governor's budget proposals and how the House and Senate were each going to put together their own House and Senate budgets.

[00:01:15] They've done that. And so we have an updated budget chart that Albina and Ariel and Noel are going to walk you all through to just kind of highlight some things in the House and Senate budgets. And

then as we head into this kind of final week of the session, that'll be a lot of the discussion is kind of how to conference that budget and see if the GA can finalize something and send it to the governor before they leave or we go into overtime. But we'll be optimistic for now. Mr. Chairman, members of the committee, my name is Albana Sanova and I'm the Revenue Division Director with the Department of Management and Budget. As Claudia said, we've updated the

[00:01:51] state budget chart with the House and Senate amendments. So starting with the general items on page two. For compensation, the House and Senate maintained a 3% salary increase from the adopted budget, but also add a one-time bonus for constitutional officers and state-supported local employees, the House at 1% and the Senate at 1.5%. The bonus funding is contingent on the local governing body using the funding to support the provision of bonuses. If we were to do bonuses in fiscal year 26, we would receive approximately \$500,000 in additional state funding from the

[00:02:31] compensation board in the state version and approximately \$700,000 in the Senate version towards the cost of providing bonuses. However, the county will have to fund the full bonus for the other employees in the offices that are not currently funded in the compensation board.

[00:02:48] On page 3, item 61 in the Senate Amendments, directs the Compensation Board to survey local and regional jails to identify the staffing and space impacts of making inmates available to appear in virtual court hearings.

[00:03:07] The Fairfax County Adult Detention Center has one virtual courtroom for adults, and depending on the results of the study, there might be a need for enhancements, potentially increasing local costs. Item 67 in the Senate Amendments directs the Compensation Board to recommend options to support analysis of salary increases for employees in the constitutional offices based on factors such as market rates and costs, workloads, and parity amongst employees in constitutional offices.

[00:03:41] As you know, support for increased funding for the court system is included in our legislative program and provided increased state funding for competitive salaries could reduce some of the county's funding responsibilities for these state positions, as we're currently providing salary supplements and a lot of millions of dollars above what the compensation board reimburses us for.

[00:04:07] Just also to note that no additional funding is included in the House and Senate amendments to address staffing standards or the restoration of prior reductions at the local director of finance offices. Under the Judiciary section, there are a number of items that provide additional funding related to the ceiling legislation requirements, and we noted that improvements to the state system may aid in local implementation. At the bottom of page 4, item 64 in the House

[00:04:42] budget provides 5.8 million to 120 paralegal positions for Commonwealth Attorney's offices to assist with the anticipated increased workload of the ceiling legislation this is positive as is the next item 65 on page 5 which provides 5.5 million in fiscal year 26 420 deputy clerk positions against related to the ceiling legislation workload and the senate version of those two items provide

[00:05:20] lower funding as this is only reflecting a partial year impact bottom of page five both the house and the senate remove language that would have withheld compensation board jail per diem payments and aid to localities with police departments funding for non-compliance with immigration enforcement. And then we noted at the top of page six that the House and the Senate amendments do not provide additional funding for HB 599 in fiscal year 26. So there's no change from

[00:05:57] the governor's budget. Also on page six at the bottom, item 394 in the Senate, amendments related to the funding included for reimbursement to local law enforcement agencies for time spent transporting individuals under temporary detention order and emergency custody order. The Senate removes the language included in the governor's budget that would have prioritized this funding to other regions, so we might see some of this money come to the county. On page 7, I wanted to

[00:06:37] highlight item 394 in the House budget that provides \$4.1 million for local sexual assault and domestic violence agencies to offset reductions in federal funding that's received through the Victims of Crime Act. So this is positive, as you would replace some of this funding.

[00:07:02] And I should note that the county had to fund an additional almost \$1 million in costs in fiscal year 25 resulting from these reductions. Under the economic development section, if you turn to page 8 at the bottom and then on page 9, we have a number of items that are related to housing.

[00:07:25] The Senate includes \$15 million to establish and fund a family rental assistance pilot program. The House also restores the pilot program for assistance to tenants and nonprofits to acquire manufactured home parks.

[00:07:40] The House also provides \$15 million in fiscal year '26 for grants to first-time homebuyers. It also provides \$14 million in fiscal year '25 for grants to localities or planning district commissions that have established or will establish a local housing trust fund for long-term investments for affordable housing.

[00:08:02] However, \$6 million of the funding is earmarked for specific localities. I should also note that no additional funding is included for the Virginia Housing Trust Fund, and that's funded at \$87.5 million each year, so no change there.

[00:08:27] On page 11, under the Natural and Historic Resources section, the House and Senate both include funding for the Stormwater Local Assistance Fund. The House includes \$15 million, and the Senate includes \$40 million.

[00:08:46] We do receive grants from this program, so this is positive. And then under the tax policy changes, I would note that the House and the Senate both eliminate the proposed car tax credit included in the governor's budget and include funding to provide an income tax rebate of \$200 per single filer and \$400 for married filers.

[00:09:14] The budget also removed the governor's proposal to eliminate the state income tax on tipped wages. Both budgets also extend the expiration date of the standard deduction and refundable earned income tax credit and the pass-through entity elective tax until January 1st, 2027.

[00:09:42] And then on page 13, there's also an item in the Senate version that embeds the 2024 legislation legalizing skilled games and imposing a tax and regulatory framework on the games.

[00:10:00] This could provide additional revenue to the county, though any action on skilled games will need to be reviewed for local taxation implications and also local land use authority. And then there's also an item in the Senate version of the budget amendments that authorizes all counties and cities to impose an additional local sales and use tax at a rate not to exceed 1% with the revenue dedicated for capital projects for the construction or renovation of schools.

[00:10:38] And this would require approval in a border referendum. So now, I will turn to the section on public education that starts on page 16.

[00:10:54] As we discussed previously, the governor's budget did not provide any funding to address the JLARC study recommendations, which that study highlighted the significant underfunding by the state for K through 12.

[00:11:12] Both the House and the Senate amendments include almost \$223 million in fiscal year '26 to recognize support positions under the school funding formula in accordance with prevailing local practices.

[00:11:27] The House budget eliminates the cap on recognition of these positions and reverts back to the methodology that was used prior to 2009. While the Senate budget funds positions at a ratio that corresponds with prevailing local practice um basically eliminating the cap for the current year fcps fairfax county public schools would receive 20.3 million in fiscal year 26 as a result of this item and the next item in both

[00:11:59] budgets includes 52.8 million uh for an add-on to basic aid for special education students fcps would receive \$5.4 million in fiscal year '26. And then on page 17 at the top, in addition to the 3% salary increase for state-supported instructional and support positions that was included in the adopted budget, the House proposes a one-time \$1,000 bonus payment,

[00:12:36] And FCPS would receive \$20.3 million from the state. However, the cost to FCPS to provide a bonus is \$37.2 million. So after accounting for the state share, the net cost to FCPS is still \$16.9 million.

[00:12:54] And in the Senate version, FCPS would receive \$19.5 million in fiscal year 25 to provide a one-time \$1,000 bonus. And after accounting for the state share, the net cost to FCPS is up to \$17.7 million, and that would be in the current fiscal year.

[00:13:15] So these were really the three major items that I wanted to highlight in the K-12 section. And if you turn to page 20, you can see the net impact of the budget amendments to FCPS budget.

[00:13:31] The House and the Senate provide an increase of \$28.3 million. Fiscal Year 26 compared to the Governor's budget. However, after accounting for the local funding for bonus expenditures that would be needed, FCPS would receive a net total of just \$11.4 million increase. And then, unlike the House, the Senate accelerates the bonus to fiscal year 25, as I mentioned, and so that would require up to an additional seventeen point seven million in the current fiscal year and then lastly I

[00:14:10] would mention that both the House and the Senate amendments maintain the 0.5 cap on the local composite index that's used for the Virginia preschool initiative funding so I would stop here and take any questions okay thank you you know just just a couple points and things that i'll highlight um the skill game legislation has flown under the radar a little bit this session hasn't really received a lot of attention

[00:14:47] but we have been following it closely and obviously would be very impactful in fairfax county it would essentially allow slot machines i won't i won't use the uh controversial c word but but essentially would turn every convenience store into a small gambling establishment.

[00:15:05] Now, we have been advocating that if those pieces of legislation move forward, that there be a local taxing component and local land use authority, and we'll continue to advocate for that. And I guess

the prognosis is uncertain.

[00:15:21] With respect to the school funding, just a really important point, and I was with one member of the General Assembly over the weekend who said, You know, their budget includes a \$1,000 bonus for every teacher in the Commonwealth of Virginia.

[00:15:37] And I wish that were the case. I very much wish that were the case. The \$1,000 bonus is only for SOQ-funded positions. So it doesn't include every teaching position in Fairfax County. It doesn't include a lot of other positions. The Senate budget is better than the House in that it would give FCPS the flexibility in terms of how to allocate or utilize that bonus money, which is going to be important.

[00:16:05] But it would be better if they actually fully funded a \$1,000 bonus for every teaching and support position in schools in the Commonwealth of Virginia. But just as in past years we have communicated that a 3% raise from Richmond is not a 3% raise for teachers in Fairfax County, I think we need to start doing that over the course of the next week with respect to this \$1,000 budget.

[00:16:31] So let me-- \$1,000 bonus. Let me open it up. Other questions on the budget presentations? Supervisor Lusk? Thank you, Mr. Chairman. I just wanted to ask a clarifying question.

[00:16:46] I think it's connected to page 3, Senate item 31, number 3. It talks about criminal record sealing. Is this the expungement provision that the clerk to the court was referencing previously? Yes, I think. Yes, I believe so. Yes, the expungement and sealing records. Okay, so making sure those are the same. And I guess there will be some impact to us, but you'll figure that out later. So I'm glad to see that we do have some additional funding to help with that effort because he did make it clear that that was an issue. And then the second

[00:17:25] question, I couldn't find anything in reference to the public defender. Is there any funding specifically for the Public Defender's Office? So I believe that there was an item in the governor's budget and they didn't make any changes.

[00:17:43] Okay. So it should be mentioned somewhere there under the judiciary. I couldn't find it. Page 4, Governor item 40 refers to Public Defender's. Ah, Public Defender 1.3.

[00:17:59] Okay, perfect. Because I know that was an issue too that was raised previously in terms of additional funding. So I just wanted to ask that question, so thank you very much. And I think on the expungement sealing issue, the budget amendments here are for positions in commonwealth's attorney's offices and circuit court clerk's offices, although we anticipate impacts in the police department as well, and there are not budget amendments

[00:18:32] to provide additional positions for local police departments to facilitate the sealing. Okay. That's right. And you all have, you know, taken positions in support of the concept behind the expungement and ceilings and sort of giving people a fresh start, but there is quite a lot of labor that sort of goes into making the logistics of that work, and so that's the funding side of it.

[00:18:57] And I guess one operational question for us maybe to think about is if these additional positions in the Commonwealth's or clerk's offices were funded, is there a way that we could work with them to reduce the workload on the police department through this process? Yeah, that's a good question. I think something for us to, you know, and for staff to think about, because I think some of it is a function

of what's in paper and where are things located and sort of those sort of things. But yeah, I think... If they get these paralegal positions, could some of them come over and work with us.

[00:19:35] Okay. All right. It could be a team effort. And the only thing, Mr. Chairman, I wanted to flag, I'm sure board members have questions, but there is a little mention in here because the board has talked about a lot of sort of the federal impacts coming down the pike, potentially, from the federal government. And so the budgets have included some work groups and things like that to kind of monitor any potential impacts to the state.

[00:19:56] Obviously, we've been interested on the county side, but the Commonwealth is sort of aware that there are potential impacts for them as well. And so there is some mention of this in the budget chart as well. Okay. Supervisor Palchuk. Thank you, Mr. Chairman. And this might be a question. I don't know if it's been answered in the past.

[00:20:12] Looking at the cost to provide the one-time bonus, I thought they had about 25,000 employees, which for me the math doesn't seem to add up to \$37.2 million. So if we could just get more clarity, unless you have that. Yeah. So, I mean. Yeah, we'll get in touch.

[00:20:29] These are numbers that were provided by FCPS. Okay. That'd be great. THANK YOU. OKAY. ALL RIGHT. IS THAT IT FOR THE BUDGET? NO. NO, THAT'S ONLY IT FOR THE BEGINNING OF THAT CHART.

[00:20:47] SO THEN STARTING ON PAGE 22, ARIEL WILL TALK ABOUT SOME OF THE HEALTH AND HUMAN SERVICES AND THEN NOAH WILL TALK ABOUT TRANSPORTATION. ALL RIGHT. THIS IS MY FAULT BUT WE'RE GOING TO HAVE TO PICK UP OUR PACE PROBABLY ON THE BUDGET, WHICH MEANS I'LL KEEP MY MOUTH SHUT. MR. CHAIRMAN, MEMBERS OF THE BOARD, ARIEL MACALON, HUMAN SERVICES LEGISLATIVE LIAISON.

[00:21:08] I'm going to start on page 24 under Health and Human Services. So it's actually the third page in that section. Briefly wanted to note that the governor had included funding in his budget for hospitals for special conservators of the peace to help with custody or relieving law enforcement from maintaining custody during the period of emergency or temporary detention orders.

[00:21:38] Both the House and Senate budgets significantly reduce that funding. So I did want to just note that they leave just a small portion of that in their both budgets. Moving on to the next page.

[00:21:54] So both the House and Senate budgets provide additional funding for Marcus Alert sites. However, this funding is really directed to new programs. So the county would not receive support from that.

[00:22:10] So we have noted that it is important that there be a more equitable funding approach that provides support for both new and existing programs. So programs like the counties that have already been developed can also benefit from that funding.

[00:22:30] And then moving on to page 26, The House budget contains \$8 million for CSBs to support prevention staff and expand prevention programs. That funding is helpful as it will allow CSBs to continue programs that are services that were funded by ARPA funds.

[00:22:53] So that's helpful since that funding will end in September 2025. The Senate budget contains language that directs the Department of Medical Assistance Services to apply for an 1115 waiver to include

outpatient behavioral health services and other related behavioral health services for individuals in jails, state and local regional jails.

[00:23:20] So that is also positive in allowing CSB to bill for those services and medications at the county's adult detention center and then at the bottom of page 26 there is language also that directs the department of behavioral health and developmental services to revise discharge protocols to require state hospitals and csbs to explore permanent supportive housing as a suitable discharge option so that is helpful in expanding screening in discharge planning and a positive step in increasing housing stability for individuals with serious mental illness.

[00:24:01] The CSB would need to monitor that, or the county would, in terms of looking at how that will affect workflows and staffing needs, but overall positive to look more closely at that. And then moving on to page 27, under the Children's Services Act, CSA, the governor had included language in his budget that caps increases in the state reimbursement to localities for special education private day services at 2.5% starting in FY 2026. The House eliminates that language, which is

[00:24:38] helpful as it would allow reimbursement to localities for the actual costs of those services. The Senate, however, maintains the language in the governor's budget, assuming \$9.9 million in anticipated savings. That we would view as negative in that it shifts that cost to the localities. So the county opposes maintaining that cap. I think we've discussed that a little

[00:25:07] bit maybe at our last week. Then moving on to page 28, under early childhood, both the House and Senate budgets provide \$25 million in FY 2025 for public-private funded child care pilots. The House budget, it looks like they envision it kind of as a third would be the state funding, a third would be employers, and a third would be the employees. It does say that

[00:25:43] the state funding would not exceed a third and that the employer would cover at least the state contribution. So it's unclear what exactly the copayment for families would be in that situation and if it would be the same or greater than the existing child care subsidy program.

[00:26:01] So the impact of that is to be determined, but I did want to flag that. And then also under early childhood at the top of page 29. The House repurposes \$3 million in unused FY 2025 VPI slots to reduce the child care subsidy program wait list. The impact of that is to be determined.

[00:26:38] It is helpful for the unused funds from VPI to go towards another early childhood program versus going back to the general fund. But the county did have some unused VPI slots that would be repurposed. So we would need to see what the wait list looks like for the child care subsidy program to see the direct county impact of that. And then at the bottom of page 29, the house budget reduces the copayment proposed in the governor's budget for the child care subsidy program and mixed

[00:27:13] delivery slots from 7% to 5%. It also continues school-age enrollments in child care subsidy and directs the Early Childhood Care and Education Commission to review several issues during the 2025 interim, including addressing school-age needs. So that would be positive in continuing to provide the subsidies for school-age children and decreasing the co-payment to 5% of the household income. And the Senate budget at the top of page 30 has a similar amendment in terms of

[00:27:48] continuing subsidies for school-age children and directing the commission to review that in the interim. And then just at the bottom, I would briefly note that we do mention the LCI cap being restored for BPI. I know that that was mentioned prior. And then moving on to page 33,

[00:28:14] The Senate budget clarifies a provision that was included in the governor's budget related to adult day care services, adult day health care services that changed the reimbursement from a daily rate to an hourly rate.

[00:28:30] The Senate budget actually caps the hourly rate to no more than six hours, which while that is the typical amount of time that participants attend those programs, it would prevent the county from being reimbursed for additional hours that a participant attends.

[00:28:49] So that appears to make what the governors change a little bit worse. The House leaves that unchanged from the governor's budget. On page 34, there's language that directs the Joint Subcommittee for Health and Human Resources Oversight to meet and begin immediate consideration of the fiscal impact to the Commonwealth from the loss of federal assistance for the Medicaid expansion population and the impact on enrollment and coverage losses.

[00:29:25] So that would be helpful in just looking at that and monitoring it going forward. At the bottom of page 34, there's also language that directs DMAS to develop a plan for reimbursing community paramedicine services.

[00:29:42] That's also helpful. A Medicaid reimbursement model would provide consistent revenue for the county's community paramedicine efforts, which would help to ensure the program's sustainability and expand the program. It is important that as that plan is developed that the county have an opportunity to provide input um to ensure that there's a fair and effective reimbursement model you just have

[00:30:15] like one or two more all right on the bottom of page 36 um the house budget provides 8.7 million to csps for additional support coordinators um while that is an important step in acknowledging the need for support coordination um there is a there will be a wide gap in terms of what the county needs to provide support coordination services and that funding. That funding is

[00:30:47] targeted at the time when new coordinators are first hired and until they can, when they're going through the training process and before they can begin billing Medicaid while the county bears the full cost of that. And so it is important that there's ongoing funding to meet the ongoing cost of that, and also to ensure that the coordinator teams can grow to connect individuals with services as the county receives all of those additional waiver

[00:31:23] slots that were provided in the underlying biennium budget. And then I think I just have one more item.

[00:31:43] On page 41, I just wanted to note that there is \$500,000 provided in the House budget to the Virginia Department of Social Services to develop a child welfare workforce support program to include a peer support helpline and a pilot program to focus on providing workers with skills to help themselves and others after experiencing trauma and stress.

[00:32:06] So I did want to note that that is also something that appears to be positive in additional support for child welfare staff. OK. Supervisor Patrick. Thank you so much, Ariel. Just one question to better understand. I believe I counted 18 separate items just for early childhood. And most of those are to be determined to impact. What are sort of the next steps? I mean, do we have, will you be working with staff? Can we understand how to best advocate?

[00:32:38] Yes. So I think we would be coordinating more with staff to look through and really examine the impacts of some of these changes. Yeah. So the only thing that I would add to that is, you know, in some of these cases, as Ariel's alluding to, we don't necessarily know the impact or we're trying to figure it out. And so obviously that's kind of a work in process. For a lot of things, we already know, you know, we already have language in the legislative program or bills that we've taken positions on or the board has kind of staked out particular positions. And so we have already communicated with our delegation on the things where we know something is particularly helpful or not, to kind of sort of give the

[00:33:16] county's perspective as we go into these last few days. But yes, when there are things where we kind of can't figure out exactly the impact, you know, we'll work with staff to try to figure out how much we can find out. Some of it is just, you know, the language kind of is what it is, and you end up with something at the end. And then sometimes the state agencies will come back to, you know, county agencies and say, well, this means this, or this means that. So sometimes it's hard to know but we try to do as much as we can okay thank you love to help okay any other questions on human services transportation page 43 mr. chairman

[00:33:53] Noel Dominguez Department of Transportation I only have two items to mention I will be very brief on page 44 both the House and the Senate have language restoring 3.3 million of the general WMATA operating funding if you all recall, it had been reduced due to projections. They're putting 3.3 million back in due to updated projections. And then on page 49, just a quick heads up that item 441, the House has language requiring VDOT commissioner to coordinate with DRPT to ensure that public transit buses are exempted from tolls. I believe our connector buses are exempted from our toll facilities.

[00:34:33] Apparently that might not be the case on all the toll facilities in the Commonwealth, so we're just going to keep an eye on that. Okay. That's all I have for transportation. Just a quick question on page 43, the NVTa funding item that's in the governor's budget, the \$865.9 million. Has that been the number, has that been the same number, and does that number, the increase of \$18.6 million does not bring us back to full restoration of NVTa dollars, correct? Mr. Chairman, no. These are just the annual projections that the Commonwealth comes up with. There has been no bills this year to restore. I will note, NVTa does its own projections, and they work with us to see what

[00:35:12] their projections are for their program. This is just what the state budget department believes the projections are for the budget. So in other words, we're making no progress in the restoration of what was lost? Not this year. No, sir. Okay. Thank you. Thank you. Okay. Other questions on transportation? All right. Now that is it for the budget? Yes, Mr. Chairman, that's it for the budget.

[00:35:38] We were going to go on to the skill games if you wanted to talk about that at all. Yeah, Yeah, I'll just say we shared, again, a couple of handouts that we reviewed last year just kind of providing a summary of the issue. And, you know, as we heard last year, one of the public safety implications is these are cash games by and large.

[00:35:56] So we have had real challenges across the county with thefts and breaking into convenience stores that have these games. So that's one of the challenges they present, but all that's laid out in the handout. I don't think we need to go through it anymore.

[00:36:12] The only thing I was going to mention, Mr. Chairman, is that on page 13 in the budget chart we talk about the skill games and the budget amendments and also the House has set up a gaming

commission which has kind of come into play as we've talked about games of skill, casinos, and other things.

[00:36:30] I think everybody probably knows the news about the casino bill this year, but that's sort of still at play in terms of that gaming commission and the skill games for the budget negotiations this year. Okay. Next, we have legislation provided for discussion, three-page document that board members have in their packet.

[00:36:53] And we're going to start with SB 960, but I don't think we need to... Yes, so that is actually a little bit of an error because that's already... There's an update to that, but we already have a position in support of that, so we don't need to talk about that. It is in the legislative summary that we'll see later.

[00:37:10] So we can go to SB 1449, and Kristen's going to talk about that. Kristen Kanasky with the Office of the County Attorney. A few weeks ago, the board considered another data-citing bill. It was HB 1601 by Delegate Thomas.

[00:37:26] The Senate version didn't have the problematic parts that the House version did. So we didn't recommend a position on the Senate version, but the board did take an opposed position on the House version. And just as a refresh, the problematic portion was that it would require Dominion to provide us information, the county information, and for the county to assess certain electric data when it considered its site as part of the site assessment.

[00:37:57] Currently, we don't have the resources to be able to do that level of assessment, and the SEC generally assesses need at this point under confidentiality orders. So there's a whole host of actual how practical it could be. So right now they're going to conference.

[00:38:16] Each house rejected the others. They conformed to each other and have now been rejected. I wanted to bring it to your attention because you might be hearing about it. It's the better version of it. There's a couple tweaks, and I just spoke with Senator Eben yesterday just to make sure that it wouldn't restrict the county's ability to still do impact assessments as well as site assessments.

[00:38:42] We do, they are both willing to hear from us and to consider. Right now, we do have the opposed position on the House bill, and I didn't know if there was a recommendation or if there should be a position on the Senate bill or how the board wanted to address it. Okay, so it looks to me that there are kind of two components here.

[00:39:01] One is the requirement of the sound profile as part of the site assessment. And I guess the question there is, does our existing zoning ordinance language meet that requirement? Tracy Strunk is going to come up.

[00:39:20] I would think so, but maybe the language here is slightly different. We do require the compliance with the noise ordinance, but I'll defer to Tracy. I think we require the upfront sound study to ensure compliance with the noise ordinance.

[00:39:39] They're sort of framed, Tracy Strunk, Director of Department of Planning and Development. They're sort of framed a little bit differently. We are comfortable that it doesn't overrule our ability to request a noise ordinance, and they probably would.

[00:39:55] They'd probably be relatively in line. Our ordinance isn't framed exactly and measure out 500 feet or whatever the distance is. So we don't think there's too much of a conflict on the noise piece. If this

bill were to be signed into law, would we have to go back and change our zoning ordinance to ensure that what we're requiring with respect to sound is consistent with this requirement?

[00:40:22] We might need to check to make sure that our requirement would cover that. And if not, we might need to tweak it. OK, well, I think if that is the case, if this bill would require us to go back and make a change, it's not a bill that we can support.

[00:40:39] I mean, if we can seek amendment at this final hour to ensure that our standard would be consistent with this the way that we didn't have to go back, I think that would make sense. And then the second piece of the bill, if I'm understanding it correctly, is permissive, a series of things that we could do in the context of a site assessment.

[00:41:02] If I'm understanding that correctly, I don't know why we would object to that. The site assessment is not the issue. The issue is the additional language that would require us to ask Dominion to fill out a form about energy use.

[00:41:21] I think that's gone, right? So it's still in the House version, and they're going to meet. Right, so we're opposed to that. Yes, that portion. Got it. We're opposed to that. With respect to this bill, the other permissive elements, fine. And we maybe need to clarify on the sound assessment piece, Supervisor Alcorn.

[00:41:41] Yeah, I think if the summary is correct, I think we may be in a situation where we could be requiring data center developers to do two different studies at different times. And I'm not a huge fan of the data center industry, but frankly, it'd probably be worthwhile to make sure that it would only be required once and that our process is sufficient.

[00:42:05] Yeah. So, I mean, perhaps one thing for the patron to consider is giving localities the option to exercise the upfront sound study to ensure consistency with a local noise ordinance that's in our zoning ordinance or this other more specific process if they want to retain that language in the bill.

[00:42:29] But I think we need to point out if the bill would require either us to change the zoning ordinance after having just changed it to address this issue or, to Supervisor Alcorn's point, require two separate studies, it just wouldn't make any sense.

[00:42:52] Supervisor Smith. So the last sentence in the summary says the bill provides that its provisions shall not be construed to prohibit, limit, or otherwise supersede existing local zoning authority. So what does that mean in reality? I mean, a specific question is, can we cherry pick elements of this to enhance what we already do or not?

[00:43:20] Is that what that sentence says, that it would not, we can't go backwards and restrict what we're doing, but we could cherry pick some elements from here that maybe we didn't have the legal authority at the time we wrote our ordinance to put into our ordinance except for the shall require piece yeah everything else they're a little inconsistent so so mr chairman i don't want to answer the technical question because that's way beyond my expertise i will say that at this time of session as you all know the house and senate are kind of doing their versions of things sometimes they insist on their own and sometimes they accept the other body's amendment sometimes things go to conference which can be a very confusing process and hard to sort

[00:43:59] participate in. And so having the feedback from the board's discussion gives us a lot of guidance as we do try to talk to those patrons, especially in our own delegation, but on some of these technical issues. The other thing that I would say is that sometimes the summaries aren't exactly reflective of what's happening because they're not always updated. So in terms of that, I'll let staff or maybe... I think for us, the important thing is that the elements be permissive options with respect to a requirement about sound, we don't want to have to redo the improvement we just made to our zoning ordinance,

[00:44:34] and we don't want for there to be two sound assessment processes, Supervisor Alcott. Yeah, I'm just looking at the underlying bill, the substitute that came out. And this is required of rezoning, special exception, special use permits. So it doesn't talk about by right, which I know we're now requiring.

[00:44:52] So it's a little different. Okay. So it sounds like we have some work to do. Maybe we need to get, you know, Tracy on the phone with Senator Eben to make sure we understand where everybody is and he understands our process that I think accomplishes what he's trying to accomplish here. We just don't want to have separate processes. Okay. HB 276.

[00:45:19] So, Mr. Chairman, the next two, I think Maury Desjardins from the County Attorney's Office is going to come and talk about them. I should have said this at the beginning of this handout, but obviously we are kind of near the end of the session. So these aren't all bills that the board necessarily has to take positions on, but providing the kind of feedback that you all did on the previous one is helpful to us as we kind of work through the last things at the end of session.

[00:45:41] And also just in some cases, we wanted to just make you all aware of things that are out there that are still alive that, you know, you may have feelings about or just may be interested in knowing about. So I'll let Marty talk through those next two, but just in general on these, you all can weigh in or not. We're just trying to kind of bring them to your attention.

[00:45:58] Good afternoon, Chairman Walkinshaw, members of the committee. This is HB 2276, which Supervisor Alcorn raised a couple of weeks ago. I sort of call this the confidence score bill. It sort of restructures the voter registration cancellation process, shifting much of the Burden, which currently resides with general registrars, to the Department of Elections to conduct this confident score analysis that uses a number of parameters, address, name, a bit more about the voter birth date, to develop a confident score that if it's 80

[00:46:31] or above, then that is an indication, the way the scoring works, that there's a problem with this registration that gets passed to the general registrar, and then the general Registrar's tasks at that point are far more ministerial than they currently are.

[00:46:47] And there's a couple of other things that are added in this bill is right now most cancellations are fairly automatic. In other words, once they're triggered by the general registrar, the cancellation proceeds. This bill adds a 14-day notice and response window, which is a very narrow window, but is consistent with the one that currently exists for non-citizenship cancellations.

[00:47:10] And other than that, even though it's a long bill, a lot of what it does is reshuffle portions of Title 24.2 to kind of make room for what is a pretty extensive set of provisions to set up this new structure. Mr. Chairman, the only thing that I would add is that this is similar to a bill that passed last year that got vetoed.

[00:47:30] So it's kind of back a little bit in some form. And so that may give an indication of what might happen with this one, but we wanted to make sure you all were aware. Yeah, I guess compared with our existing process, does this raise the bar for how purging can be done? In other words, does it reduce the potential for, I would say, mischief in terms of trying to knock people off the voter rolls? I think that's probably a little bit beyond an assistant county attorney's perspective. What I would say, though, is this confidence score metric, it was raised in

[00:48:09] a bill last year, but I'm not aware of any studies associated with it and, in fact, was just speaking with election staff before this that one thing that might be good would be some type of analysis conducted by elect or someone to determine the efficacy of the method proposed. Okay. Well, you know, it sounds like maybe we just monitor this and maybe going into next year's session,

[00:48:40] we can learn more about the confidence score process. Seems like it might enjoy or suffer the same fate as previously. Okay. HB 2277?

[00:48:57] Yes. So HB 2277, it looks like it's an effort to address some of the things we've seen in other jurisdictions with members of those jurisdictions, electoral boards or similar bodies in other states, refusing to sign forms at the end of the canvassing period. What it attempts to do is set up what it calls a clear ministerial duty and then make that subject to a \$1,000 penalty for failure to perform those duties. Members of electoral boards who fail to perform those duties can also be, the state board can act against them in terms of removal. The one caveat that I have

[00:49:36] put in my reviews to this bill with the legislative team is that the definition of clear ministerial duty, where it's structured in the bill and the way it references prior sentences, seems to reach beyond the specific issue of completing forms at the end of the ascertainment of the vote.

[00:49:52] So I, as an attorney, have some concern about the potential for clear ministerial duty to sort of metastasize beyond the intended target. Supervisor Alcorn?

[00:50:11] Yeah, I like the idea. I hate the idea of local electoral boards refusing to do their jobs when they don't like the result of an election. And I think this is trying to address that issue. So I'm not sure about the ministerial duties specific, but there may be some way to manage that.

[00:50:31] Related to that, what's the current standard? There is nothing really like this. I mean there are generalized failure to perform your duties in accordance with law, but nothing as specific as this. So even though there's concerns about how that's defined, I mean maybe this isn't a question you want to answer, but it is a step forward even though it's an imperfect step forward.

[00:50:55] I think that that's sort of a policy call, but I would say there's nothing now and this is an attempt to do something. I would agree with that. Yeah. I think it's good. Yeah. Okay. I appreciate the specific concern.

[00:51:10] I think, you know, given the very public and explicit efforts that were made to encourage members of local electoral boards and coach members of local electoral boards to refuse to certify the results of free and fair elections across the country, thankfully didn't come to pass, but they were prepared.

[00:51:32] This kind of thing is an important protection. So I'm going to suggest that we support the bill. And if there are improvements we can make to suggest to prevent any possible unintended expansion of

the ministerial duties, then we could propose that.

[00:51:55] But I think we should support this one. Sounds good, Mr. Chairman. Okay. Yep. Thank you. HB 1973. So, Mr. Chairman, the next two under affordable housing were board requests for discussion today.

[00:52:10] So we have some staff that are hopefully going to come up and talk a little bit about them and just kind of share some information about these bills. And then the board can kind of decide if we need to take a position or just watch them.

[00:52:41] Good afternoon. Ryan Wolf with the county attorney's office. The first of these bills, I guess, starting with House Bill 2218 would be an amendment to the Virginia Landlord-Tenant Act and really deals with the methods of payment that a tenant may provide rent to a landlord. Specifically, it would require that landlords with certain carve-outs for landlords owning four or fewer rental units, landlords would have to accept payment of rent by any lawful means, check, credit card, cash, what have you. And further,

[00:53:17] that landlords can't charge a fee for rent being paid with a credit card if they won't also accept rent by cash. So basically providing flexibility to tenants to provide rent in any lawful form of legal tender. That's House Bill 2218. Question on that? Our redevelopment housing authority would fall into that vote too. So is this consistent with what our current practice is or does this create a challenge we need to know at least as a big landlord in the county?

[00:53:54] Mr. Chairman, thank you. Tom Fleetwood with the Department of Housing and Community Development. Currently, we do not accept cash for rental payments, but certainly we understand the intent of the bill and there would be adjustments that we would need to make in order to be able to accept cash.

[00:54:13] Certainly, it would be, in a perfect world, our preference not to, but we also understand that there are other considerations here relative to people's ability to access the banking system that may make that necessary. Okay, but regardless of whether this bill passed, we accept all the tenders that are listed in here except for cash? That is correct.

[00:54:36] Including credit cards? I would need to double check, but I believe that's correct. Yeah, if you could just clarify for us outside of this bill, regardless of where we are on this Bill, and if you're telling me it's less than ideal to collect cash but that it's doable, I don't see any reason why we wouldn't support this, but I at least wanted to make sure that was the case. Yes, sir. Supervisor Lesk? I'll just make the point that I appreciate the flexibility and appreciate the comment from our Director of Housing that if required, we would be able to

[00:55:11] accept cash payments. I think that's good. I mean, we want people to have choices and using your credit card or using some other payment modalities might actually incur a cost. And that's a hardship to those who might not have the residual cash that's necessary for that.

[00:55:32] So thank you, Mr. Chairman. The bill, I presume, doesn't specify where a tenant would have to be able to pay in cash, right? So presumably if we were required to accept cash, they could come here and they wouldn't be handing over stacks of cash to the manager of Wedgwood. I just want to make

[00:56:08] sure the bill doesn't require that. So I do not read it as requiring that. Certainly the housing, all of the housing authorities' properties are operated by third-party management companies, so it would be those companies that are processing and handling the payments.

[00:56:24] Okay, so we don't know whether they would choose to accept those payments. It's not an insignificant thing to have thousands of dollars of cash just handed out at the management office of these properties. I'm just trying to figure out whether the bill would require that or accept cash in any in some way shape or form the way i read this is that it would be effectively up to us to figure out how to do that okay okay all right um so mr chairman just to confirm for our

[00:57:01] own so on 2218 we're supporting that yes yeah i think you know i i think um i think so unless there's something that we're missing in in the bill i just want to make sure we we fully understand it and are confident we could pull it off if it were to come to pass i i don't suspect this is a a bill that Governor Yunkin will sign. I don't want to jump to that conclusion, but it could come back in future years. Mr. Chairman, just very quickly, I absolutely think we support this. I guess the question is, staff has reviewed the, with certain exceptions outlined in the bill,

[00:57:38] and is comfortable that those capture any concerns we might have, because they're not listed here, and it wouldn't be unless the whole bill was listed here. I just want to verify we've looked that and are okay with that piece of it. Yes, Chairman, the exceptions of the bill are for landlords with four or fewer units, or alternatively, if they have a 10% interest, ownership interest, and more complex structure in four or fewer units. So it's, you know, sort of a de minimis type of exception. And we're comfortable with that.

[00:58:09] I think we are because we fall so far outside of it. Yeah, I mean, for our own interest. I think the only concern, four seems low to me. I mean, four is like drive down to Walter's house and drop off your cash in the mailbox, sounds like.

[00:58:27] But, I mean, I'm okay with it. It just seems low to me. I would just note, Mr. Chairman, that the threshold for applicability, for example, of fair housing is also set at four units or more, so I would suspect that's where that threshold came from.

[00:58:47] Okay. Thanks. All right. H.B. 2302. So, Mr. Chairman, this is a bill that we're bringing up because it is a bill by one of our legislators. It's targeted at a specific property.

[00:59:03] Oh, did I skip? I'm sorry. Did I skip? Oh, we just skipped. We skipped 1970. Oh, we skipped over 1973. Okay, so then maybe Ryan and Tom can talk about that while I collect my thoughts. House Bill 1973 would grant discretionary authority to localities.

[00:59:21] require the enactment of an ordinance locally to use the authority. And the program would consist largely of two key concepts. The first is that it would establish a requirement for owners of properties subject to affordable housing restrictions that are approaching the expiration of those restrictions to notify the locality at least 24 months before that expiration of those affordability restrictions. There's a technical process about how that process works, and there's then the legislation provides for a \$5,000 penalty for a failure to comply with that.

[00:59:56] The second concept in this regime would be that for these properties, localities or their designees would have a right of first refusal for those properties for the period of, again, that 24-month period before the expiration of the affordability restriction to 24 months after its expiration. To claim that right of first refusal with respect to a given property, the locality has to record a notice in the land records against that property.

[01:00:26] The way that right of first refusal would work is for the locality or its designee to exercise it. The locality or its designee would have to then promise to continue to operate that property as affordable

housing for a further 15 years. I will note that there are a lot of complex details with how that works, with particularly respect to the right of first refusal itself.

[01:00:48] Those are very complex real estate transactional documents. but the thrust of it is to keep properties that may be rolling out of their affordability periods affordable, or at least provide an avenue through which that might happen. Now, with the layer of complexity here, there may be certain refinements that might be useful if there's any interest in pursuing this bill. One note would be, for example, as with the last bill, its impact on the housing authority itself. For housing authority-owned property, currently the the housing authority would be subject to this regime. In this context, it feels perhaps a little

[01:01:27] unnecessary. The housing authority certainly keeps track of its own properties, not likely at risk of doing something different. So perhaps finding a way to deal with housing authorities as owners within the bill might be useful. And there may be certain other technical refinements as well that might be able to tighten up the process. But overall, you know, it addresses affordable housing in a way that broadly I know the board supports. The right of first refusal offer how does the bill determine the price?

[01:02:01] The bill would not determine the price. The price would be that which a third-party offeror submits to purchase the property. So it would be driven by the market. Ah, so the locality has the right to match the third-party offer. Correct.

[01:02:16] Got it. It is not a separate option with its own independent price. It would be the price first offered by a third-party. Do we have any concern that if we were to implement such an ordinance, it could impact the original financing of affordable properties?

[01:02:37] In other words, if there is this potential predefined, predetermined outcome, would it impact the ability to finance? Or if you're matching whatever the private sector offer is anyway, it doesn't negatively impact the value of the property.

[01:02:58] You're basically attaching an additional potential regulatory requirement on the property. Is there a chance that lenders or others would factor that in their initial decision to finance or help finance the construction of a property?

[01:03:18] Mr. Chairman, I think in the main, the answer to that would be no. I think it's important to understand that what's in this bill largely replicates significant parts of what we already do as part of our affordable housing financing, at least dating back 20 years, where we include rights of first refusal in all of our loans that we make to affordable housing projects.

[01:03:48] And I'll also note that sort of the mechanism that we have relative to affordable housing preservation, including the affordable housing preservation bench that we have, fits very, very well into what is described in this bill.

[01:04:05] So, again, it very much replicates what we in the main already do. So, in what ways would it or could it be additive to what we do? I'm not sure I'll have the total universe of that.

[01:04:25] One angle to that might be for properties with which, in particular, if the housing authority has no prior involvement, if they're financing from our side on it, that might get picked up under this. And there are a number of properties that date back to the 80s and before where this might be very useful.

[01:04:49] Okay. All right. Well, I think the answer probably is we do want to pursue it. It sounds like there are some maybe technical issues or improvements we could try to work through that maybe we don't need to discuss all of them today, but if that's the consensus, unless there are burning questions about it, why don't we just move forward with that approach?

[01:05:12] Okay. All right. Good. Thank you. Now, HB 2302. So, Mr. Chairman, as I started to say before, and Jay Doshi, I think, is going to come to the table and maybe Dan Robinson to talk about this, but this is a bill that one of our legislators put in for a specific property, and I think staff's feeling is that perhaps it doesn't do exactly what is intended, and so we wanted to highlight it for the board.

[01:05:40] We have shared feedback with the patron, and so he's kind of aware of what's going on in this case. But we wanted to make sure that the board was aware of it as well, and then we can kind of see where we go from there. Mr. Chairman, members of the board, I'm going to ask Tom Reed, who is the director of real estate, who has worked with this issue and the church well before any of the construction started to brief you on it.

[01:06:08] Sure. So the patron delegate, Sickles, contacted ETA in the fall of 2024 about a particular church in Alexandria. This is an instance where the church sold excess land to an assisted living provider for in excess of \$5 million.

[01:06:29] Part of the agreement was for the builder of the assisted living project to also build a replacement church. So the church, after the sale, which took place in June of 2023, tore the church down.

[01:06:47] And by statute, therefore, DTA is obligated to tax the property because it's no longer being used for religious purposes, which we did. And that's what spurred this bill, if you will, which is all, you know, this is fine.

[01:07:05] We have no issues with it. The only thing is they amended the bill to make it retroactive to January 1st of 2023, and that will help in part the said church, but not entirely. I think they're looking for full restitution, but the problem is the bill states that you have to, the land has to be, or excuse me, the new church has to be started.

[01:07:32] Construction on the new church has to begin within six months, and to this day, this church is still, the property is still vacant. So they might get some money back for, say, the second half of 2023, but essentially for 2024 and beyond, they're going to be taxed.

[01:07:51] And I just, you know, we're just throwing that out. I don't know if Delegate Sickles is aware of this or not. I'm not sure. Yes, so just to address that last point, we have shared that with Delegate Sickles. And so I don't know what he's likely to do about this bill, but we did want to make sure that the board was aware of it as well.

[01:08:13] A quick question. I mean, I, you know, this, I don't think any of us really thought of this until this happened. And frankly, we'd like to see more of this happen in the county where, you know, people can build, churches can build housing and do it as creatively as possible. I guess my question is in the description, it says the owner shall demonstrate the intention.

[01:08:33] Is that a, in your legal mind, is that a filed site plan that shows the church on it? Because clearly that was the intention since day one on this site. Before anything was demolished, the original plan showed a new church. Is that sufficient to satisfy that element?

[01:08:50] Dan, you want to take that? I think it's going to be a factual determination. I'm asking this question because the six-month construction time frame, most people can't meet that. Churches have an even harder time meeting that. And so what I'm asking is, the owner shall demonstrate the intention to use such structure for, you know, religious worship? And my question is, in this particular case, before the church was demolished, a site plan was filed that showed a new church on it. It just hasn't started construction yet

[01:09:29] for a lot of logistical reasons, not the least of which is the residential is being built right now, and it would conflict with that in terms of the actual construction. And so is that sufficient to demonstrate the intention under what the bill says? I'm trying to think not only in this particular case, but the flexibility moving forward. Yes. Daniel Robinson from the county attorney's office. So the language you're talking about is just to get into the subcategory that says, you know, we could get the exemption. The issue that they've raised is that the statute specifically states construction of the replacement or rebuilt structure will commence no later than

[01:10:08] six months. So there is no determination of intention with that. It's a specific, it must commence within six months. So that's not going to be a determination for DTA. It has construction commenced. And so that's, you know, it's very straightforward as opposed to the language you're talking about is they need to demonstrate an intention that it's going to be used as a church again. And I think that's a factual determination that they, I think DTA would probably agree right now, they do intend to use this space for a church. The problem is they have not commenced construction. So we have the flexibility, we think, under this to make that determination

[01:10:44] under certain criteria, and this one would be it's shown on the site plan. I guess the question is, while we're in there with this bill, to fix the statutory six-month piece, that is housed elsewhere. And so there's been no attempt in this bill to change that component of what's already and statute. No, that is also, these are, both of those provisions are being added through these amendments. And so the language that you're focused on is in subsection 2A of the statute.

[01:11:14] And that's to say, here's this new exemption that we're going to create, property where they're going to build, rebuild a church. But then there's a subsection B where they say, here's how we define when property is being rebuilt for a new church. And part of that requirement is construction must commence within six months. Yeah, I think, you know, I think as we're talking to the patron, I don't know, Jay, I appreciate that you talked to him. I don't know if that part came up or not, but six months seems aggressive. And to me, if we're going to facilitate this type of thing in the future, we would want a longer timeline than six months. I mean, it takes somebody years to

[01:11:49] get through the site plan process to line up financing if necessary. I mean, I think that's a really tight timeline in today's world. And so I don't know if there's an opening to also perhaps enhance and expand that while we're in the conversation with, and I don't know, you know, what's going to happen to this bill, but these are things we need to make sure get mentioned because we understand what's trying to be fixed here, but the patron wants to fix this one specific instance, but also wants to fix this for us moving forward and provide flexibility to encourage this type of redevelopment down the road. Yep. And so, Mr. Chairman, we can certainly communicate some more of those details and discussions. Like I said, we have communicated

[01:12:29] with him, but we'll, you know, especially given this discussion, talk more about that. I don't want to cut off staff if they have more thoughts on that particular item, but we certainly will go back to Delegates. Let's do that. Okay. All right. Thank you all. B-1233. Mr. Chairman, this bill is one of the bills regarding photo enforcement, and there's a lot going on with that in the past couple of days. So if I could just give a broad picture of what's happened with speed and camera enforcement. SB1233, the board, you all discussed

[01:13:09] it about a month ago. This was the bill that originally allowed essentially monitoring systems for stop sign violations and for pedestrian crossing violations. The reason we're bringing this back is this bill passed to the Senate and came to the House. Day before yesterday in subcommittee and yesterday in full committee, this bill number was replaced with the language for Delegate Siebold's speed camera violation bill as her bill had passed to the House. And that had some provisions we did not like regarding where the funding went. There's also some extra requirements. I'll go into some

[01:13:48] detail on some of the requirements briefly, or shortly. Yesterday in Senate, so this bill was conformed to Delegate Siebold's House in the House Transportation Committee yesterday morning. Yesterday afternoon, there was an effort to conform Delegate Siebold's bill to this bill, as well as Senator Surivel's bill that allowed speed cameras on the GW Parkway. And those were both going to be combined into another bill to then conform. But there was also another substitute

[01:14:23] that was being considered. At the end of the day, Delegate Siebold's bill, HB 2041, that actual vehicle, did not pass Senate Transportation yesterday. This is the bill that is still alive. It is Senator Williams-Graves' bill, but with Delegate Siebold's bill as it passed the House, the language. So that's, sorry to confuse everybody, but that's where we are with that.

[01:14:48] So I wanted to provide that background and then just to talk with the board. I know you all had some questions at the last meeting, and I was not here. I was still in Richmond for the exhibition driving bill. But there were some questions about some of the new requirements in Delegate Siebold's bill.

[01:15:04] We had not had a time to focus a lot on the previous meeting. So what that bill, and where I'm getting confused is there are so many versions. There was a version that was supposed to be considered yesterday. There's a version that it currently is. but essentially there are new requirements in for speed camera programs, existing speed camera programs. Some of those include items such as right now you're required to put one sign up near a camera. This would double it to two and require at least one to be a speed display sign.

[01:15:36] It requires certain language be provided in summonses. It requires an advisory group to be formed by each locality that has a program. There are certain reporting requirements as well. I will note that the supporters of the bill, the proponents of the Delegate Siebold bill, believe that any sort of expansion has to have guardrails. Guardrails have been used, the term has been used extensively. There are concerns for some in Richmond, and they believe other programs, and I think we've made the case that our program works very well. It's fairly new, but I think our program works fairly well. But they believe there needs to be guardrails in

[01:16:13] these programs to make sure they are successful and that the intent is to save lives and that these guardrails would help with that. So that's where these bills are right now. We still have SB1233 as the vehicle that is still alive with the delegate Sebold language as it passed the House. I will say I believe that

language as it passed the House, because there was talk about guardrails and this can't be a money-making situation, that bill actually reduced the

[01:16:47] take the fine from \$100 to \$50. The substitute that was going to possibly be considered yesterday had re-brought that back up to \$100, which is an existing amount, but I'm not sure where all of this is right now. Okay. I want to just have... Well, I think kind of the good news in the bill is it would allow for speed cameras outside of, in some areas outside of the school and work zones

[01:17:22] that we currently have the authority for. Yes. The bad news is it would create additional administrative burden that would, and I'm going to invite the deputy county executive to share about this in more detail, slow down the expansion of our existing school zone authority, which is working very well. So Noel and Claudia and Tom have spent a lot of time looking at these specific guardrails. So I just want to invite Tom to share his take on the guardrails and what it

[01:18:00] might mean for our existing program that's succeeding and we hope to expand. Tom Arnold, Deputy County Executive. You're correct. There was a lot of qualitative metrics that they outlined than the bill, such as trying to measure the total possible citations in relation to the citations that were issued, which it only captures citations, so we wouldn't be able to capture essentially, I guess, all traffic that flowed through the intersections. The administrative, I think the biggest administrative hurdle that we found would be all of the costs that are currently passed on to the violator for the convenience fees, whether they pay with a credit

[01:18:39] card or whether they would phone or mail in. That's captured through the programming software when someone issued a citation would log on to pay the citation electronically. Those can't be passed on to the violator. The jurisdiction has to take those on. And so, you know, we've gone through this. One of the delays with the school bus arm camera was simply with the way that the vendor reports and records data, having to work with the Supreme Court of Virginia on that, as you all know, has delayed that program approximately a year. And so if we were to work with our current vendor to try and find out if they even had a solution, which would likely

[01:19:19] cause reprogramming and costs we would have to incur in order for them to prevent that option where those fees are captured through whoever violates it. And I think as we look at the program and as we've had experiences with the vendor, that really locks you in with the vendor.

[01:19:35] So if you ever have to look to make changes or expand, look for other technologies out there that would result in having to go back to an RFP process and working with the vendor not only solicit for the vendor, but also that they would build a system that was unique to Virginia or Fairfax.

[01:19:52] So many of those, and then what Supervisor Walkinshaw just stated, we've tried to limit the number of staff and the police have done a great job with utilizing light duty and other staff that, and we look across the river at Montgomery and they have an expansive program and the number of officers that it takes to require just to administer that program, as we know what we will need to expand as a school bus arm comes on, we would have to add several staff just to handle the reporting requirements to state police and the state. And then you run the risk of if you're reporting data that's somewhat qualitative metrics and they find an

[01:20:31] issue with that, would we be at risk of them wanting to pull the program back after we've invested all of this? There are some requirements in the bill that we don't even know how we would track.

So one is what percentage of cars that drive past the camera are violated. And we don't have a, you know, we can install a new machine to count all the cars. Our cameras don't count all of the cars. There are requirements around reporting with respect to the race of drivers, and that's not data that we have access to. So we're not confident we could comply with

[01:21:09] all of the requirements that, at least in the most recent version that we had reviewed, were in, Supervisor Palchuk. Thank you so much, Mr. Chairman and Tom, Mr. Arnold for bringing that forward. I think it's really critical if we could get that in writing because I know we continue to have advocates we agree with that we want more authority, but understanding how that would probably even maybe stop at its track. Our current program, limit it. And then on the flip side, we've been fighting, I've been arguing with VDOT over getting more authority to have the speed signs in more areas that

[01:21:46] aren't currently allowed. So it seems to be that if they want to be able to expand signage and cameras and programs, an easier sell as we move forward would be allow, let's work with VDOT to allow more of the, this is your speed along roads. No, you're right. And I mean, as you all are also aware of with Blake Lane, I mean, the VDOT process for getting the permitting, the schools had to hire a third-party vendor and spend I think twenty thirty thousand dollars just to submit the application and so what what holds up all of our expansion from the phase one expansion is is

[01:22:25] involves the permitting and requirements and so forth within the right of way so yeah that's where the direction and attention should be spent is streamlining the process working with vdot it's getting to the point where the the cost in terms of staff time police time to install one camera we could hire a police officer just to sit at that camera location year-round because it's just gotten ridiculous with the VDOT requirement.

[01:22:53] And we have made some progress with the patron, which is great. I mean, the initial version of the bill, as we discussed, would have sent all of the revenue to the Highway Safety Improvement Program with, I will say, probably very little of it coming back to the county.

[01:23:10] And that improvement has been made. So hopefully we can continue to make progress. So, Mr. Chairman, and that's where it comes to what version we're working off of now. One of the new substitutes we saw yesterday, yes, it retained the \$100 fine.

[01:23:28] It let localities retain the funding for certain purposes. It was for essentially safety improvements in those types of areas, the highway safety, the school zone, and these high-risk corridors. There was also a delayed enactment regarding needing that second sign for those cameras.

[01:23:48] So, yes, the patron has made some changes to address some concerns. I think others felt there were still concerns, and it was an ever-changing bill. And I think that's where some of the pause and delay came in. Again, yesterday, the way yesterday's committee ended, I'm not sure how much more discussions are going to be had.

[01:24:11] But we will continue to talk with people. Okay. All right. So that takes us through legislation for discussion. Next item is the legislative summary.

[01:24:28] And we're going to have a quick update on our initiatives. And then we have some position changes that we'll go through. Ms. Arco will go through very quickly. We will go as fast as we can, Mr. Chairman. So I think Jennifer and Noelle are going to talk about our initiatives.

[01:24:44] Jennifer just got back from Richmond as well because one of our initiatives was in another committee this afternoon. So she's going to give us an update. Thank you. We like to go all out. Jennifer Vinny, Deputy Director. So this afternoon, the Exhibition Driving Initiative made it out of finance with only one no vote.

[01:25:06] So we're very excited about that. It goes to Senate floor. It has a lot of support across the aisle. There has been changes since we've talked about it, both at the last time it was happening as we were in committee and then this week in courts, it mainly has taken out the, it took out the definition of street takeover and kind of embeds the whole idea of blocky intersections within the bill.

[01:25:33] So it took out that definition. We did also have to take out spectators to get some people comfortable with the bill because while there are places in the code that talk about spectators at illegal events, It's very specific areas, and it's usually within, like, a building, so you can say you're there for that reason.

[01:25:52] It's not on a public street or something where someone's walking by and maybe got caught up. So we did take that out to gain support, but we're feeling good about it, and that's the update. Great. Good news.

[01:26:12] I don't want to spike any footballs, but it's looking good. Mr. Chairman, on your next page, on page 8, HB 2550, this is the noise abatement monitoring system pilot. This bill also, it's changed a little bit during the process, but I am pleased to say it also got out of Senate Transportation yesterday, and it is headed to Senate Finance. We hope it will be there early next week. What it does now, a little bit more definitions were provided, but essentially authorizes counties and cities in planning districts 8 and 16. 16 is a Fredericksburg area. They were asked to be added, or a delegate

[01:26:50] from Fredericksburg asked for it to be added. Allows us to place and operate noise abatement monitoring systems for the purpose of recording and enforcing violations, which we've defined as a passenger car that has an exhaust system that emits a noise of 95 decibels or a local ordinance enacted pursuant to state law. So those are the two infractions that we can get for essentially loud mufflers. And then it provides, it puts in similar rights and requirements as currently is required for camera programs, not what is required by the bill we just talked about.

[01:27:24] And then it has the same privacy and data storage requirements. So as I mentioned, that got out of, it got out of the House 54-44, and it was, got out of the Senate Transportation Committee yesterday 8-6. And I'll just say, you know, we're having a lot of success here. One of the things that concerns me would be if somebody mentions or suggests that we have this other camera bill that has new requirements that aren't currently in this in this piece of legislation so the that

[01:28:01] that's one of the reasons that that those additional requirements because if you believe in those requirements for speed enforcement cameras you might say they also should apply to noise abatement. Mr. Chairman, no one has...

[01:28:18] I don't want to speak... They're separate discussions right now? They were actually heard in the same committee yesterday, but separate discussions happened? Yeah, I just want us to be prepared. I think our answer is speed enforcement and noise abatement are very different, and this is a much smaller, more targeted program, and it's a pilot.

[01:28:39] So we would have a couple years of data and information to determine whether those additional guardrails would make sense. And there have been some members of the Northern Virginia delegation, not from Fairfax, who have said this might be helpful in their jurisdictions as well.

[01:28:55] So that's okay. Thank you. Okay, so Mr. Chairman, I'm going to try to call out pages. We have some position changes and just some verbal updates. We'll go as fast as we can. I can feel where the board's going with this. Okay, so starting on page 9 and 10, HB 1721, Kristen just has a little update.

[01:29:14] Yes. Delegate Watts was extremely receptive and accepted our amendments. It hasn't been docketed the last time I checked this morning. It should be in Senate courts. Senate courts is meeting on Monday. So that would probably be the last opportunity. So we're hopeful that that's going to go in the right direction. Then at the bottom of page 10 on HB 1743, so originally we were recommending a position change because this bill was being turned into a study. Today in late breaking news it turns out that apparently maybe now it's going to conference. So I think we've made pretty clear to Delegate Watts what our concerns are about this. We're going to talk to some of our senators and

[01:29:53] others too and keep working on this and Vaco and VML and the commissioners and and lots of folks have been working on this and so I think at this point we might just reaffirm that we would be comfortable with the study but maybe don't change that position outright just yet. Okay. So then Mr. Chairman on page Page 11, HB2002, is a position change that Jennifer's going to talk about.

[01:30:17] Mr. Chairman, so HB2, is it on? Yeah. We talked about last time, and it was about, it was about how people, when you, it took it, let me start over.

[01:30:34] The bill was looking at the ways that we do cancellation, and because of some of the issues that have been going on in the last several years around elections, it set into code the very specific pieces of information that you can use to cancel a registration so common practice put into code they removed a reference to same day registration that caused us concern in talking with the patron it seems like that was a much more technical change than we realized that some of the concerns we had were probably this was probably just a technical tweak to the bill and so we

[01:31:07] recommend just putting a positional monitor. Okay. So then, Mr. Chairman, on page 13, Kristen, did you have a verbal update? Sure. This is the solar bill and they've, Delegate Munden-Kings accepted our amendments. Just the timing of it is why it's been delayed, but it'll be offered as a substitute on Monday in Commerce. And then, Mr. Chairman, at the bottom of page 13, Jennifer's going to talk about a

[01:31:38] position change for HB 2541? So HB 2541 is an ADA accessibility technology bill that we've talked about for several years. So two years ago, we supported with amendment. Last year, we had to take a position of amend because of some of the requirements and the impact to localities. There was a work group this summer that we came to the agreement that we'd bring Virginia law up to federal level, and then we'd study it and go from there. The bill that was introduced went beyond that. I think there's still some ongoing conversations about what the federal laws apply to and what they don't. But after much conversation

[01:32:16] the bill is where we're comfortable with it and we would recommend support as we do really have a passion for accessibility in the county. I feel like we go through this same process every year with this bill but good. So then Mr. Chairman on page 15 I think let me make sure I'm on the right page On page

15, at the bottom of the page, HB 2764, there's also a Senate version SB 917 that relates to collective bargaining. The position that the county had taken was to

[01:32:54] ensure that any changes don't affect the county in our current program and what we've already done. These bills have kind of taken a strategy of trying to delay enactment so that you could try to, I think, make some fixes before some of this goes into effect. It doesn't, from staff's perspective change anything in terms of the board so um in terms of the impact on the county um so we're not recommending a position change we just wanted to sort of update you all that that's where they are and we'll see where we end up i think there's an expectation that the governor may not be very favorable about these bills but i guess we'll see okay um then on page i i do think you

[01:33:30] know on this issue um in advance of next year's session we really need to think through a strategy to develop a carve out that is acceptable to patrons and those advocating for this bill because it's, you know, this is not an issue that's going to go away.

[01:33:52] Yes, I think that's a good point. Yes, it seems to keep coming back. So I think that that is probably something we need to look at towards next year. And then, Mr. Chairman, on page 16, just an update, SB876, we talked about this quite a lot at the beginning of the session.

[01:34:09] This was a bill related to the Freedom of Information Act and some changes trying to create some new requirements in terms of agendas and things. There were a lot of concerns about the practice of the board on board matters, impacts to smaller BACs.

[01:34:27] You know, there's no agenda requirements right now. So there was a lot of discussion. The bill did come over from the Senate, but fortunately the House and our delegation there decided that there's a lot going on here and it's better to study it. So they sent it to the FOIA Council to be studied in the off session, and so we'll be working on that this year.

[01:34:44] So it was a good outcome. Then on page, also on page 16, oh, so we already talked about SB 917, clerks of bargaining. Page 17, SB 1017.

[01:35:01] Did we have an update? Oh, okay, so Ariel's going to turn it up, too. Yes. On SB 1017, we had had a concern about the bill potentially having a fiscal impact. And so after talking with the patron, it was clarified that the issue that she was trying to address was not having the debt go to an individual school and instead being paid off by the school division overall.

[01:35:33] and so the issue then that we had fogged was that the FCPS is currently able to carry over some debt year to year. They do pay off uncollectible debt and so explained that issue to the patron and she was amenable to that. So the amendments have not been made. The bill is up in house education on Monday but she has agreed to submit those amendments that address our issue so wanted to just update that so then mr chairman that's a position change if the amendments are made or just so our understanding is they're going to make them but they haven't done it yet

[01:36:12] and so but we'll be prepared of course if they do that to support that change okay um so then mr chairman on page 18 sb 1044 jennifer has a verbal update so sb 1044 was the discussion we had last time about secrecy of the ballot. So in Subcommittee Monday, we had a lot of conversations about what is the difference between a provisional ballot and what people can FOIA versus all the other kind of ballots and having to go through elect. An amendment was put on to very much emphasize that in reporting and things like that, it has to

[01:36:48] be secrecy and even stuff that if there's five precincts that have one ballot each, that you would aggregate those somehow so that they would make sure that they took care of this data problem that we had. This morning in full committee, they stripped that right back off, said the Constitution obviously applies, and so they don't need that, and it went through.

[01:37:11] So that is the update on that. Okay. So our position remains based on the Office of Elections concerns. Okay. All right. And then, Mr. Chairman, on page 19, SB1108, Jennifer is going to give an update on that as well. So SB 1108, the patron was happy to accept our amendment to add the park authority into this new authority.

[01:37:35] And so that will be up in courts hopefully Monday. Okay. Then, Mr. Chairman, on page 20, SB 1158, Kristen is going to give an update. This was the eminent domain bill that passed out of the Senate unanimously.

[01:37:51] And so when we came to oppose, it was on the House side in the court subcommittee. It still had a lot of support, and I think what was important for everyone to learn is that localities do eminent domain so differently.

[01:38:08] I think comparatively, Fairfax County provides a lot of information up front because it's important for us to make sure that everybody has an equal playing field. There were some details in the bill that were still of concern, and it related to plans that would need to be shared that included a pretty arbitrary 100 feet beyond the measure of the public use project.

[01:38:35] And we already account for a lot of that through temporary easements. And so this 100 feet would have been essentially wasteful because it wouldn't have been related to the project. Senator Obenshain agreed to amend the, even though he had the support, you know, and had gotten that subcommittee, he met with us this week and agreed to remove that provision, that it's no longer problematic.

[01:39:00] And Delegate Sullivan and Delegate Simon were instrumental in making sure that we had that meeting and were able to come to a good agreement. And Falls Church and the city of Falls Church, Arlington County, and Loudoun County had all contacted me this week to lend their support as well for that, removing that provision.

[01:39:19] And so that passed out with the substitute this afternoon. And it's currently on an opposed unless amended, and because it's amended, perhaps a monitor position. Okay. Yep. Sounds good. Good. Good work. So then, Mr. Chairman, on page 20, Noel, do we need to do an update on SB 1209 briefly?

[01:39:41] I'm sorry, more on speed cameras. This bill you all did oppose. It had to deal with calibration, but it sent all of the money to the state and didn't even give us operating costs. the patron actually changed that to let us retain the money but he only did that so that his bill wouldn't go to senate finance and he said he'd be perfectly happy with it going back to the original version so we don't recommend we're just going to keep an eye on it right now it's in the posture that is okay we think but i'm not sure for how long so that's why i just wanted to give the update okay all right um so mr chairman on page 26 i don't know if it's jennifer or kristin

[01:40:21] HB 1712. We just have an update on that. So HB 1712 and its Senate Bill 1194 is the bill that clarifies that police have discretion when dealing in mental health crisis situations. We had asked and had a conversation about making sure that our local training that the PD already have would meet that

qualifications. Both patrons are very amenable to put on that amendment, but it has not happened even though they have both gone through committee.

[01:40:51] So we are continuing to go communicate with them. So we don't have a position change, but they are acceptable to it. So we're hopeful. Okay. So then, Mr. Chairman, on page 35, HB 2120, is a position change, Jennifer?

[01:41:08] So HB 2120, we had a position of support with amendment. It was similar to a bill that we do support in the last week. It has been conformed to that bill, and so we would recommend support. It's about law enforcement's having discretion to seize property when pursuing elder abuse situations.

[01:41:29] Okay, good. Then, Mr. Chairman, on page 40, we have an update on HB 2668. Jennifer? I came late, but I came to play. I saved it all for you now.

[01:41:45] 2668 is, we had a conversation about this is where they can remove electoral board members and general registrars. I did talk with the patron. He seemed very amenable to our amendments around tightening up that definition of what the reasons to be removed.

[01:42:03] He was not open to the appeal. This is actually part of the intent of the bill is to pull back some of that. There is still the court process that they can go through if they want that alongside it, which is good to know. But this was specifically trying to give tools to help when a registrar is not doing its duty to remove them.

[01:42:23] He did not end up taking our amendments. He decided that after having some conversation with some other lawyers that there was enough case law around some of the words that are a little vague, and he felt fine with it. So he did not take our amendment, but it is still going through.

[01:42:41] Okay. All right. So then, Mr. Chairman, on page 40 and 41, HB 2723, Jennifer? We're just going to stick with you for a little while. We're just going to stick with me again. So this is the ceiling records, and I just wanted to let you know that it's going well.

[01:42:56] And as you heard earlier from Albina, there's some funding. Again, we've continued to have conversations about the local impacts of that funding and needing to make sure localities are getting what they need. But it is going well, and we were happy to see money in the budget. Okay.

[01:43:13] So then on page 51, SB 940, is a position change, Jennifer? Yes. Can you tell me that page in again? 51. Thank you. SB 940 was about the court cases of how to challenge a ballot and then needing to do it before the election so there's not confusion. We asked for an amendment for 10 days so that people can prepare and print the ballots. The senator accepted it and it's moving through the process. Okay. So we recommend support now. All right, good. And then Mr. Chairman, finally on

[01:43:47] page 69 hb 2724 jennifer has an update so this is the um license plate reader bill of the year um it had it flew out of the house um there was some still some concerns about it from different communities but in the senate it hit a huge roadblock in the um courts committee um it failed by a couple and um which was a little bit of surprise because they had felt that they had the support in the compromise this year after the long study and review process.

[01:44:20] At the end of the committee, it was brought back up for reconsideration and passed by for the day. As of about half an hour ago, I got a call from the person working on it saying they have a compromise. They think. They still don't know if they can get everyone, all the people on board with it.

[01:44:39] So we'll know more as it goes. But I wanted to give you an update since I know that is a topic we've been following very closely. And we don't know with that compromise how many days they've compromised on. So the compromise is we get all of the new expansions, but we get 21 days instead of 30.

[01:45:01] Okay. So that is the update. Okay. So that's the last update from there, unless board members have any questions on any of those bills. Any questions on the position changes?

[01:45:20] Anyone want to just stick around and talk about Are there any other calls here? Okay, Ms. Arca, when is our next meeting? So just as a reminder, the General Assembly is scheduled to adjourn next Saturday, a week from tomorrow.

[01:45:36] So we will not have legislative committee next Friday because we will all still be in Richmond. We do have one legislative committee on the calendar for February 28th. Sometimes that gets canceled, and we are planning to do our final report to the board at the board meeting on March 4th.

[01:45:51] But we'll see, you know, if something comes up and we need to have it, we like to keep it on the books. Yeah. And obviously the status of the budget timeline is unknown, but our positions, our positions with respect to the budget are known. That's right. Yeah. So we have shared with our delegation our positions on various budget items and we'll continue to work with them.

[01:46:13] Normally, that's one of the last things that gets done. Obviously, the last several years we've had a lot of overtime. And so I think either way, they're probably going to finish bills by next Saturday, whether they actually get to a budget to send to the governor or have to do a little overtime on that. We'll just have to wait and see. Okay.

[01:46:29] Thank you, everyone. Happy Valentine's Day. I think Frank should do that. That's way no more. Oh, yeah.



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